

Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Sixteenth Meeting Day Monday Afternoon February 11, 2008

The House convened at 1:30 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for health and well-being (printed November 20, 2007).

The Pledge of Allegiance to the Flag was led by Representative W. Vern Tincher.

The Speaker ordered the roll of the House to be called:

Austin 🖻 Hinkle Hoy Avery Bardon Kersey Bartlett Klinker Battles Knollman Behning Koch L. Lawson Rell Bischoff Lehe Blanton Leonard Borders Lutz 📤 Borror Mays Bosma McClain C. Brown Micon T. Brown Moses Buck Murphy Buell Neese Burton Niezgodski Candelaria Reardon Noe

Orentlicher Cheatham Cherry Oxlev Cochran Pelath Crawford Pflum Crooks Pierce Crouch Pond Davis Porter Reske Day Dembowski Richardson Dermody Ripley Dobis Robertson Dodge Ruppel Duncan Saunders Dvorak Simms Eberhart M. Smith Elrod V. Smith Espich Soliday Foley Stemler Friend Steuerwald Frizzell Stevenson Fry Stilwell Stutzman 🖹 GiaQuinta Goodin Summers Grubb Thomas

Thompson

Tincher

Turner

Torr

Gutwein

E. Harris

T. Harris

Herrell

Tyler Walorski
Ulmer Welch
VanDenburgh Wolkins
VanHaaften Mr. Speaker

Roll Call 168: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: A indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 12, 2008, at 1:30 p.m.

RESKE

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 32, 34, 35, 36, and 37 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL Principal Secretary of the Senate

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

SB 3 — Bischoff, Thompson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 114 — Orentlicher, Bosma, Austin, Stemler

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 146 — Bischoff, Thompson

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 224 — Battles, Grubb, Lutz, Crooks

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 231 — L. Lawson, Frizzell

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 247 — C. Brown, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 251 — C. Brown, T. Brown

Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning prescription drugs.

SB 255 — L. Lawson, Frizzell

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 258 — V. Smith, Borders

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 268 — VanHaaften, Murphy

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 280 — Crawford, Hinkle, Torr

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 281 — L. Lawson, Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 312 — Moses, T. Brown

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 317 — Pflum, Koch

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 335 — Tincher, Turner, Burton, Noe, Koch

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning immigration.

SB 359 — Battles, Neese

Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

SJR 7 — Pelath, Turner

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana by adding a new Section concerning the definition of marriage.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana, which was agreed to by the One Hundred Fourteenth General Assembly and referred to this General Assembly for reconsideration and agreement, is agreed to by this the One Hundred Fifteenth General Assembly of the State of Indiana.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: Section 38. (a) Marriage in Indiana consists only of the union of one man and one woman.

(b) This Constitution or any other Indiana law may not be construed to require that marital status or the legal incidents of marriage be conferred upon unmarried couples or groups.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 16

Representative Cheatham introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION recognizing David and Kelly Ferguson.

Whereas, David and Kelly Ferguson, Jefferson County, are the winners of the Young Farmer and Rancher Achievement Award:

Whereas, The Young Farmer and Rancher Achievement Award recognizes young farmers and ranchers who have excelled in their farming or ranching operations and exhibited superior leadership abilities;

Whereas, Participants are evaluated on a combination of their agricultural operation's growth and financial progress, Farm Bureau leadership, and leadership outside the Farm Bureau:

Whereas, David and Kelly Ferguson are the sole owners of DaveCo Farm, where they raise 1,000 acres of corn and soybeans, finish 85,000 head of hogs per year, and raise some beef cattle;

Whereas, The Fergusons exemplify overall excellence in farm management in their diversified farming operation; and

Whereas, It is fitting that further recognition be given this outstanding Hoosier family: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates David and Kelly Ferguson on winning the Young Farmer and Rancher Achievement Award and commend them for their success as outstanding Hoosier farmers.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David and Kelly Ferguson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lewis.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

House Resolution 26

Representative Grubb introduced House Resolution 26:

A HOUSE RESOLUTION honoring Taylor Amie McLeod.

Whereas, Taylor Amie McLeod appeared to be a happy, healthy toddler, but at the age of 3, Taylor was diagnosed with cystic fibrosis, a chronic disease affecting the lungs and digestive systems of about 30,000 children and adults in the United States;

Whereas, Taylor's condition worsened quickly, and she was transported to St. Louis Children's Hospital to await a double lung transplant;

Whereas, Taylor's surgery was a success, but the road to recovery was not an easy one;

Whereas, Taylor battled cell rejection and suffered a stroke that paralyzed her left side;

Whereas, Throughout all these difficulties, Taylor remained strong and steadfast in her determination to make a complete recovery;

Whereas, On May 30, 2007, Taylor returned home to Indianapolis; and on August 9, she started high school and began her life as a "normal teen"; and

Whereas, Taylor Amie McLeod is strong beyond her years; she has endured more in her short life than most people ever will, and she has come through it all with grace and courage: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives commends Taylor Amie McLeod on her courage, fortitude, and strength throughout her ordeal and wishes her continued health and happiness.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Taylor Amie McLeod and her family.

The resolution was read a first time and adopted by voice

House Resolution 27

Representative Grubb introduced House Resolution 27:

A HOUSE RESOLUTION recognizing the strength and courage of Erin Bailey Hunsberger.

Whereas, Erin Bailey Hunsberger (Bailey) was born on April 3, 1992, with a severe heart defect known as aortic stenosis, an abnormal narrowing of the aortic valve;

Whereas, At three days old, Bailey underwent her first open heart procedure, but her long-term prognosis remained bleak;

Whereas, Bailey battled congestive heart failure for the next four years before undergoing her next open heart procedure, an eight hour operation that helped to make Bailey's life somewhat normal for the next eight years;

Whereas, However, by age 11 Bailey's left ventricle began showing scarring that significantly limited her heart function;

Whereas, Bailey was forced to undergo a third surgery to remove scar tissue and to attach a device known as a Berlin Heart, a 200 pound box on wheels containing an electrical drive system powering a pumping device the size of a hockey puck attached to the heart by two small cannulas inserted through holes in the stomach;

Whereas, Bailey was placed on a heart transplant list and remained hospitalized for approximately five months following the surgery, during which time no donor heart was found for her:

Whereas, Bailey's courage and determination paid off when she learned from her doctors that the time spent on the Berlin Heart had given her heart the time it needed to heal;

Whereas, Bailey was removed from the heart transplant list and allowed to go home and return to normal activities;

Whereas, Unfortunately, Bailey's health problems were not completely solved;

Whereas, 2007 found Bailey battling for her life again due to persistent problems with an irregular heart rate and two leaking heart valves that were in need of repair;

Whereas, As has been a tradition with Bailey, she came through her fifth heart operation and headed home and back to school;

Whereas, Bailey continues to devote time to those causes that promote public awareness of children's health issues; and

Whereas, Erin Bailey Hunsberger has endured much during her short life, and through it all she has remained positive and determined; courage and determination like hers serve as a shining example for all of us: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to express its admiration and respect for the courage and perseverance displayed by Erin Bailey Hunsberger throughout her young life.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Erin Bailey Hunsberger and her family.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 17

Representatives Cochran, Klinker, and Day introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION memorializing $\mbox{\sc Amy}$ Cook Lurvey.

Whereas, Amy Cook Lurvey passed away on December 12, 2007, at the age of 90;

Whereas, Throughout her life, Amy Cook Lurvey was an advocate and volunteer who worked tirelessly on behalf of children and people with disabilities;

Whereas, Born in Indianapolis on March 8, 1917, Amy Cook Lurvey was a graduate of Shortridge High School and Indiana University;

Whereas, While attending Shortridge High School, Amy Cook Lurvey made history when she was the first girl named to the boys' debate team;

Whereas, In 1939, after receiving a degree in speech and hearing, Amy Cook Lurvey was hired as the first speech and hearing therapist in a special education department for Indianapolis Public Schools (IPS);

Whereas, Although Amy Cook Lurvey worked as a speech and hearing therapist, it was her volunteer work for which she was most well known;

Whereas, Amy Cook Lurvey began her career as a volunteer serving the PTA, both locally and statewide;

Whereas, During her more than 60-year career, Amy Cook Lurvey touched the lives of many people;

Whereas, Senator Richard Lugar tapped Amy Cook Lurvey's vast knowledge of the Indianapolis Public School system when he was elected to the IPS Board of Education;

Whereas, Amy Cook Lurvey led the Council of Volunteers and Organizations for Hoosiers with Disabilities (COVOH) from 1969 until 1999;

Whereas, Well-known in the hallways of the Indiana State House, Amy Cook Lurvey was regarded as one of the state's leading advocates for disability education;

Whereas, Amy Cook Lurvey played a major role in the development of a joint relationship between Indiana University and Purdue University to establish spinal cord and head injury research and treatment centers;

Whereas, Amy Cook Lurvey received many awards and recognitions for her work, including Outstanding Volunteer presented by the governor and the State Commission for the Handicapped, Outstanding Leadership and Service from

COVOH, the Jefferson Award for Community Service from the Indianapolis Star, and the Founders Award from the Indiana Chapter of the American Civil Liberties Union; and

Whereas, Amy Cook Lurvey was a voice for children and people with disabilities when they had none and provided them with hope for a better future when things appeared bleak; she will be greatly missed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its sympathy to her family and its appreciation for her years of advocacy on behalf of children and people with disabilities.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Amy Cook Lurvey.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lewis and Sipes.

House Concurrent Resolution 18

Representatives Herrell and Buck introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION honoring Greg Bugher.

Whereas, Because of Greg Bugher's bravery and quick actions, five children are alive today;

Whereas, While driving on Interstate 465, Greg and his family witnessed a head-on collision between a car and a minivan;

Whereas, Greg's wife, Dianna, quickly stopped the car, and Greg rushed to the minivan, on its side with fire coming out of the engine;

Whereas, While his family watched from inside their car, Greg rescued each child from the burning vehicle;

Whereas, It was Greg Bugher who made the difference between life and death for those five children—Greg's quick actions saved their lives; and

Whereas, Heroic acts require special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to recognize the heroic action of Greg Bugher that saved the lives of five children. This is a magnificent expression of courage. Greg Bugher is truly a Hoosier hero.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Greg Bugher.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

House Resolution 28

Representatives Simms and Cherry introduced House Resolution 28:

A HOUSE RESOLUTION requesting that school corporations include a staff development day on Friday, November 6, 2009, to allow middle school teachers to attend the 36th Annual National Middle School Association (NMSA) Conference & Exhibit being held in Indianapolis.

Whereas, Indiana is pleased to host the 36th Annual National Middle School Association (NMSA) Conference & Exhibit on November 5-7, 2009;

Whereas, This is a rare and significant opportunity for middle school educators in Indiana to obtain in-depth professional development specifically related to the academic and developmental needs of young adolescent learners;

Whereas, This outstanding conference draws nearly 10,000 middle school educators from all 50 states and more than 15 foreign countries;

Whereas, Historically, about 50 percent of the attendees are from the host state;

Whereas, The Indiana Department of Education, the Indiana Middle Level Education Association, and other Indiana education stakeholders are working with NMSA to ensure that the conference topics will meet the needs of Indiana educators; and

Whereas, The 2009 NMSA Annual Conference & Exhibit will be convenient for a large number of Indiana educators, and school district staff should consider attending: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives requests that school corporations include a staff development day on Friday, November 6, 2009, to allow middle school teachers to attend, without incurring the expense of a substitute teacher, the 36th Annual NMSA Conference & Exhibit being held in Indianapolis.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana Department of Education, the Indiana Association of Public School Superintendents, the Indiana School Boards Association, The Indiana Association of School Principals, the Indiana State Teachers Association, the Indiana Federation of Teachers, the Indiana Middle Level Education Association, and the National Middle School Association.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 0.

GOODIN, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as

follows:

Page 4, line 35, delete "entity that:" and insert "entity:".

Page 4, line 36, after "(A)" insert "who".

Page 4, between lines 36 and 37, begin a new line double block indented and insert:

"(B) whose primary residence is located in territory for which:

(i) the governor declares a disaster emergency; or

(ii) the United States Small Business Administration declares a disaster;".

Page 4, line 37, delete "(B)" and insert "(C) who".

Page 4, line 37, after "entity's" insert "primary residence or".

Page 4, line 38, delete "due to a disaster;" and insert "because of a disaster described in clause (B);".

Page 4, line 39, delete "(C)" and insert "(D) who".

Page 5, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 6. IC 22-14-3-2, AS AMENDED BY P.L.1-2006, SECTION 373, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The division shall issue an amusement and entertainment permit to an applicant who qualifies under section 3 of this chapter.

- (b) A permit issued under section 3 of this chapter expires as follows:
 - (1) For a permit issued to a school under section 1(c) of this chapter, one (1) year after the date of issuance.
 - (2) For a permit other than a permit described in subdivision (1), December 31 in the year it the permit is issued.

The permit applies only to the place, maximum occupancy, and use specified in the permit.".

Page 5, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2008] (a) IC 22-14-3-2, as amended by this act, applies to amusement and entertainment permits issued after June 30, 2008.

(b) This subsection applies to an amusement and entertainment permit issued before July 1, 2008. Notwithstanding IC 22-14-3-2, as amended by this act, an amusement and entertainment permit expires one (1) year after the date of issuance."

Renumber all SECTIONS consecutively.

(Reference is to SB 241 as printed January 18, 2008.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

CRAWFORD, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

Engrossed Senate Bill 41

Representative Dembowski called down Engrossed Senate Bill 41 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 45

Representative Pelath called down Engrossed Senate Bill 45

for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 88

Representative Dembowski called down Engrossed Senate Bill 88 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 104

Representative Bischoff called down Engrossed Senate Bill 104 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 104–1)

Mr. Speaker: I move that Engrossed Senate Bill 104 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 9 with "[EFFECTIVE UPON PASSAGE]".

Page 7, after line 2, begin a new paragraph and insert:

"SECTION 10. An emergency is declared for this act.". (Reference is to ESB 104 as printed February 8, 2008.)

BISCHOFF

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 176

Representative Bischoff called down Engrossed Senate Bill 176 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 33

Representative Niezgodski called down Engrossed Senate Bill 33 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 51

Representative Niezgodski called down Engrossed Senate Bill 51 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 72

Representative Niezgodski called down Engrossed Senate Bill 72 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 72–1)

Mr. Speaker: I move that Engrossed Senate Bill 72 be amended to read as follows:

Page 3, line 16, strike "Except as provided in subsection (b)," and insert "For a member of:

(1) the Indiana state teachers' retirement fund; or

(2) the public employees' retirement fund who retires before January 1, 2009;".

Page 3, line 17, block left beginning with ""vested".

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"(b) For a member of the public employees' retirement fund who retires after December 31, 2008, "vested status" as used in this article means the status of having at least eight (8) years of creditable service.".

Page 3, line 19, strike "(b)" and insert "(c)".

Page 3, line 31, after "(3)" insert "after December 31, 2008,".

Page 3, line 31, strike "ten (10)" and insert "eight (8)".

Page 3, line 34, strike "(c)" and insert "(d)"

Page 3, line 41, delete "(d)" and insert "(e)".

Page 4, line 32, delete "A" and insert "Before January 1,

2009, a".

Page 4, line 36, after "TRF." insert "After December 31, 2008, a member who has earned at least:

- (1) eight (8) years of service in a position covered by PERF; or
- (2) ten (10) years of service in a position covered by TRF or a combination of the two (2) funds;

may purchase one (1) year of service credit for each five (5) years of service that the member has completed in a position covered by PERF or TRF.".

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 9. IC 5-10.2-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) This subsection applies to:

- (1) members of the public employees' retirement fund who retire before July 1, 1995; and
- (2) members of the Indiana state teachers' retirement fund who retire before May 2, 1989.

A member who has reached age sixty-five (65) and has at least ten (10) years of creditable service is eligible for normal retirement.

- (b) This subsection applies to members of the Indiana state teachers' retirement fund who retire after May 1, 1989, and to members of the public employees' retirement fund who retire after June 30, 1995, and before January 1, 2009, except as provided in section 1.7 of this chapter. A member is eligible for normal retirement if:
 - (1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;
 - (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
 - (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.
- (c) This subsection applies to a member of the public employees' retirement fund who retires after December 31, 2008. A member is eligible for normal retirement if:
 - (1) the member is at least sixty-five (65) years of age and has at least eight (8) years of creditable service;
 - (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
 - (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.
- (c) (d) A member who has reached age fifty (50) and has at least fifteen (15) years of creditable service is eligible for early retirement with a reduced pension.
- (d) (e) A member who is eligible for normal or early retirement is entitled to choose a retirement date on which the member's benefit begins if the following conditions are met:
 - (1) The application for retirement benefits and the choice of the date is filed on a form provided by the board.
 - (2) The date must be after the cessation of the member's service and be the first day of a month.
 - (3) The retirement date is not more than six (6) months before the date the application is received by the board. However, if the board determines that a member is incompetent to file for benefits and choose a retirement date, the retirement date may be any date that is the first of the month after the time the member became incompetent.".

Page 8, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 11. IC 5-10.2-4-1.7, AS AMENDED BY P.L.88-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.7. (a) This section applies only to members of the public employees' retirement fund who retire after June 30, 2002.

(b) A member is eligible for normal retirement after becoming

sixty-five (65) years of age if the member:

- (1) has:
 - (A) served as an elected county official in an office described in Article 6, Section 2 of the Constitution of the State of Indiana for at least eight (8) years; or
 - (B) been elected at least two (2) times and would have served at least eight (8) years as an elected county official in an office described in Article 6, Section 2 of the Constitution of the State of Indiana had the member's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; and
- (2) is prohibited by Article 6, Section 2 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.
- (c) A member who:
 - (1) has served as an elected county official; and
- (2) does not meet the requirements of subsection (b); is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(b)(3)) IC 5-10.2-1-8(c)(3)) and meets the requirements of section 1 of this chapter.".

Page 13, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 16. IC 5-10.3-3-1, AS AMENDED BY P.L.62-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) The board is composed of six (6) trustees.

- (b) Five (5) of the trustees shall be appointed by the governor, as follows:
 - (1) One (1) must be a member of the fund with at least ten (10) eight (8) years of creditable service.
 - (2) Not more than three (3) may be members of the same political party.
 - (3) One (1) must be:
 - (A) a:
 - (i) member of the fund or retired member of the fund; or
 - (ii) member of a collective bargaining unit of state employees represented by a labor organization; or
 - (B) an individual who is:
 - (i) an officer or a member of a local, a national, or an international labor union that represents state or university employees; and
 - (ii) an Indiana resident.
- (c) The director of the budget agency or the director's designee is an ex officio voting member of the board. An individual appointed under this subsection to serve as the director's designee:
 - (1) is subject to the provisions of section 3 of this chapter;
 - (2) serves as a permanent designee until replaced by the director.
- (d) The governor shall fill by appointment vacancies on the board in the manner described in subsection (b).
- (e) In making the appointments under subsection (b)(1) or (b)(2), the governor may consider whether at least one (1) trustee is a retired member of the fund under subsection (b)(3)(A)(i).

SECTION 17. IC 5-10.3-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) As used in this section, "withdrawing political subdivision" means a political subdivision that takes an action described in subsection (b).

- (b) Subject to the provisions of this section, a political subdivision may do the following:
 - (1) Stop its participation in the fund and withdraw all of the political subdivision's employees from participation in the fund.
 - (2) Withdraw a departmental, an occupational, or other definable classification of employees from participation in

the fund.

- (3) Stop the political subdivision's participation in the fund by:
 - (A) selling all of the political subdivision's assets; or
 - (B) ceasing to exist as a political subdivision.
- (c) The withdrawal of a political subdivision's participation in the fund is effective on a termination date established by the board. The termination date may not occur before all of the following have occurred:
 - (1) The withdrawing political subdivision has provided written notice of the following to the board:
 - (A) The withdrawing political subdivision's intent to cease participation.
 - (B) The names of the withdrawing political subdivision's current employees and former employees as of the date on which the notice is provided.
 - (2) The expiration of:
 - (A) a ninety (90) day period following the filing of the notice with the board, for a withdrawing political subdivision that sells all of the withdrawing political subdivision's assets or that ceases to exist as a political subdivision; or
 - (B) a two (2) year period following the filing of the notice with the board, for all other withdrawing political subdivisions.
 - (3) The withdrawing political subdivision takes all actions required in subsections (d) through (h).
- (d) With respect to retired members who have creditable service with the withdrawing political subdivision, the withdrawing political subdivision must contribute to the fund any additional amounts that the board determines are necessary to provide for reserves with sufficient assets to pay all future benefits from the fund to those retired members. The contribution by the withdrawing political subdivision must be made in a lump sum or in a series of payments determined by the board.
- (e) A member who is an employee of the political subdivision as of the date of the notice under subsection (c) is vested in the pension portion of the member's retirement benefit. The withdrawing political subdivision must contribute to the fund the amount the board determines is necessary to fund fully the vested benefit. The contribution by the withdrawing political subdivision must be made in a lump sum or in a series of payments determined by the board.
- (f) A member who is covered by subsection (e) and who is at least sixty-five (65) years of age may elect to retire under IC 5-10.2-4-1 even if the member has fewer than ten (10) eight (8) years of service. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of service.
- (g) With respect to members of the fund who have creditable service with the withdrawing political subdivision and who are not employees as of the date of the notice under subsection (c), the withdrawing political subdivision must contribute the amount that the board determines is necessary to fund fully the service for those members that is attributable to service with the withdrawing political subdivision. The contribution by the withdrawing political subdivision must be made in a lump sum or in a series of payments determined by the board.
- (h) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a)(4) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny a political subdivision permission to withdraw if the denial is necessary to achieve compliance with Section 401(a)(4) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 18. IC 5-10.3-6-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8.5. (a) This section only applies if:

- (1) certain employees of a state university in a departmental, occupational, or other definable classification involved in health care are terminated from employment with the state university as a result of:
 - (A) a lease or other transfer of university property to a nongovernmental entity; or
 - (B) a contractual arrangement with a nongovernmental entity to perform certain state university functions;
- (2) the state university requests coverage under this section from the board; and
- (3) the board approves the request.
- (b) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:
 - (1) The state university has requested coverage under this section and provided written notice of the following to the board:
 - (A) The intent of the state university to terminate the employees from employment.
 - (B) The names of the terminated employees as of the date that the termination is to occur.
 - (2) The expiration of a thirty (30) day period following the filing of the notice with the board.
 - (3) The state university fully complies with subsection (c).
- (c) A member who is an employee of the state university described in subsection (a) as of the date of the notice under subsection (b) and who is listed in the notice under subsection (b) is vested in the pension portion of the member's retirement benefit. The state university must contribute to the fund the amount the board determines is necessary to completely fund the vested benefit. The contribution by the state university must be made in a lump sum or in a series of payments determined by the board.
- (d) A member who is covered by subsection (c) and who is at least sixty-five (65) years of age may elect to retire under IC 5-10.2-4-1 even if the member has less than ten (10) eight (8) years of service. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.
- (e) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.
- SECTION 19. IC 5-10.3-6-8.9, AS ADDED BY P.L.158-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8.9. (a) This section applies when certain employees of the state in particular departmental, occupational, or other definable classifications are terminated from employment with the state as a result of:
 - (1) a lease or other transfer of state property to a nongovernmental entity; or
 - (2) a contractual arrangement with a nongovernmental entity to perform certain state functions.
- (b) The governor shall request coverage under this section from the board whenever an employee of the state is terminated as described in subsection (a).
- (c) The board must approve a request from the governor under subsection (b) unless approval violates subsection (k), federal or state law, or the terms of the fund.
- (d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1 because the member:
 - (1) is at least fifty (50) years of age; and
 - (2) has at least fifteen (15) years of creditable service.
 - (e) As used in this section, "normal retirement" means a

member is eligible to retire under IC 5-10.2-4-1 because:

- (1) the member is at least sixty-five (65) years of age and has at least ten (10) eight (8) years of creditable service;
- (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
- (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.
- (f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:
 - (1) The governor has requested coverage under this section and provided written notice of the following to the board:
 - (A) The intent of the state to terminate the employees from employment.
 - (B) The names of the terminated employees as of the date that the termination is to occur.
 - (2) The expiration of a thirty (30) day period following the filing of the notice with the board.
 - (3) The state complies with subsections (g) and (i).
 - (g) A member who:
 - (1) is an employee of the state described in subsection (a) with at least twenty-four (24) months of creditable service as of the date of the notice under subsection (f); and
 - (2) is listed in the notice under subsection (f);
- is vested in the pension portion of the member's retirement benefit. The state must contribute to the fund the amount the board determines is necessary to completely fund the vested benefit. The contribution by the state must be made in a lump sum or in a series of payments determined by the board. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.
- (h) A member who is covered by subsection (g) and who is at least sixty-five (65) years of age as of the date of the notice under subsection (f) may elect to retire under IC 5-10.2-4-1 even if the member has less than ten (10) eight (8) years of service. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.
- (i) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:
 - (1) The state shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 and payable from the sources described in subsection (j) sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.
 - (2) The maximum amount of creditable service that the state may purchase for a member under this subsection is twenty-four (24) months.
 - (3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.
- (j) The amounts that the state is required to contribute to the fund under subsection (i) must come from the following sources:
 - (1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (i).

- (2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).
- (3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (i), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (i) in the next biennial state budget.
- (k) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 20. IC 5-10.3-7-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.5. (a) As used in this section, "out-of-state service" means service in another state in a comparable position that would be creditable service if performed in Indiana.

- (b) Subject to subsections (c) through (f), a member may purchase out-of-state service credit if the member meets the following requirements:
 - (1) The member has at least one (1) year of creditable service in the fund.
 - (2) Before the member retires, the member makes contributions to the fund as follows:
 - (A) Contributions that are equal to the product of the following:
 - (i) The member's salary at the time the member actually makes a contribution for the service credit.
 - (ii) A rate, determined by the actuary of the fund, based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.
 - (iii) The number of years of out-of-state service the member intends to purchase.
 - (B) Contributions for any accrued interest, at a rate determined by the actuary for the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.
 - (3) The member has received verification from the fund that the out-of-state service is, as of that date, valid.
- (c) Out-of-state years that qualify a member for retirement in an out-of-state system or in any federal retirement system may not be granted under this section.
- (d) At least ten (10) eight (8) years of service in Indiana is required before a member may receive a benefit based on out-of-state service credits.
 - (e) A member who:
 - (1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or (2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the Social Security Act;

may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

- (f) The following apply to the purchase of service credit under this section:
 - (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of

the period during which the payments must be made.

- (2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
- (3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 21. IC 5-10.3-7-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.6. (a) Subject to the provisions of this section, a member may purchase service credit for the member's prior service in a position covered by the 1925 police pension fund under IC 36-8-6, the 1937 firefighters' pension fund under IC 36-8-7, or the 1953 police pension fund under IC 36-8-7.5 if the member meets the following requirements:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member has not attained vested status in and is not an active member of the 1925 police pension fund, the 1937 firefighters' pension fund, or the 1953 police pension fund.
- (3) Before the member retires, the member makes contributions to the fund as follows:
 - (A) Contributions that are equal to the product of the following:
 - (i) The member's salary at the time the member actually makes a contribution for the service credit.
 - (ii) A rate, determined by the actuary of the fund, based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.
 - (iii) The number of years of service credit the member intends to purchase.
 - (B) Contributions for any accrued interest, at a rate determined by the actuary for the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.
- (4) The member has received verification from the fund that the service in the 1925 police pension fund, the 1937 firefighters' pension fund, or the 1953 police pension fund is, as of that date, valid.
- (b) At least ten (10) eight (8) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section.
 - (c) A member who:
 - (1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or (2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the Social Security Act;

may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund

- (d) The following apply to the purchase of service credit under this section:
 - (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.
 - (2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
 - (3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase

of the service credit.

SECTION 22. IC 5-10.3-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A member who:

- (1) enters the United States armed services;
- (2) leaves his the member's contributions in the fund;
- (3) except as provided in subsection (c), resumes service with his the member's employer within one hundred twenty (120) days after his the member's unconditional discharge: and
- (4) would be entitled to service credit for military service under the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.) if the member had resumed service with the member's employer within ninety (90) days after discharge;

is entitled to service credit for the armed service.

- (b) A state employee who left employment before January 1, 1946, or an employee of a political subdivision who left employment before the participation date, to enter the United States armed services is entitled to service credit for the armed service if he: the employee:
 - (1) except as provided in subsection (c), resumes service with the employer within one hundred twenty (120) days after his the employee's unconditional discharge; and
 - (2) would be entitled to service credit for military service under the applicable requirements of federal law in effect at the time of reemployment if the employee had resumed service with the employee's employer within ninety (90) days after discharge.
- (c) The board shall extend the one hundred twenty (120) day reemployment requirement contained in subsection (a)(3) or (b)(1) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from resuming employment within one hundred twenty (120) days after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.
- (d) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (c), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.
- (e) Notwithstanding any provision of this section, a member is entitled to service credit and benefits in the amount and to the extent required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.).
- (f) Subject to the provisions of this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:
 - (1) The member has at least one (1) year of credited service in the fund.
 - (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
 - (3) The member receives an honorable discharge from the armed services.
 - (4) Before the member retires, the member makes contributions to the fund as follows:
 - (A) Contributions that are equal to the product of the following:
 - (i) The member's salary at the time the member actually makes a contribution for the service credit.
 - (ii) A rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution

amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

- (iii) The number of years of service credit the member intends to purchase.
- (B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) eight (8) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund

- (g) The following apply to the purchase of service credit under subsection (f):
 - (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.
 - (2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
 - (3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.".

Page 13, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 24. [EFFECTIVE JULY 1, 2008] (a) IC 5-10.2-3-1.2, as amended by this act, applies to a member of the public employees' retirement fund who purchases service credit after December 31, 2008.

- (b) IC 5-10.3-3-1, as amended by this act, applies to appointments to the board of trustees of the public employees' retirement fund that are made after December 31, 2008.
- (c) IC 5-10.3-6-8, IC 5-10.3-6-8.5, and IC 5-10.3-6-8.9, all as amended by this act, apply to members of the public employees' retirement fund who retire after December 31, 2008.
- (d) IC 5-10.3-7-4.5, as amended by this act, applies to benefits provided after December 31, 2008, based on out-of-state service credit purchased under IC 5-10.3-7-4.5.
- (e) IC 5-10.3-7-4.6, as amended by this act, applies to benefits provided after December 31, 2008, based on service credit for prior service purchased under IC 5-10.3-7-4.6.
- (f) IC 5-10.3-7-5, as amended by this act, applies to benefits provided after December 31, 2008, based on service credit for prior service purchased under IC 5-10.3-7-5."

Renumber all SECTIONS consecutively.

(Reference is to ESB 72 as printed February 8, 2008.)

FINCHER

Representative Foley rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 72 a bill pending before the House. The Speaker ruled the point was not well taken.

The question then was on the motion of Representative TIncher (72-1).

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 72 be made a special order of business on February 12 at 2:00 p.m.

TINCHER

Motion prevailed; the bill was made a special order of business.

Engrossed Senate Bill 56

Representative Herrell called down Engrossed Senate Bill 56 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 210

Representative Niezgodski called down Engrossed Senate Bill 210 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 139

Representative Foley called down Engrossed Senate Bill 139 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 169: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 38, 39, and 40 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 38

The Speaker handed down Senate Concurrent Resolution 38, sponsored by Representative Herrell and Buck:

A CONCURRENT RESOLUTION congratulating the Coca-Cola Bottling Company of Kokomo on achieving the milestone of 100 years in business.

Whereas, Coca-Cola, founded in 1886, signed a franchise agreement in 1907 with a group from Logansport. In 1932 that group combined with the bottling plants from Kokomo and Peru to form one organization. In 1977, they also purchased the bottling plant in Plymouth;

Whereas, in 1935, Edmund, Frank, and Roy Severns purchased the franchise beginning the family's involvement with Coca-Cola. In 1947, E.P. Severns started working at the plant when he was in high school and still today, at age seventy-seven, comes to work at 7:30 every morning. His son, Craig Severns, later joined the team and has been a part of the business for over 30 years. Craig now serves as General Manager of the Kokomo Company:

Whereas, Coca-Cola Bottling of Kokomo provides products to thirteen surrounding counties within a forty mile radius and distributes approximately 1.9 million cases per year;

Whereas, in November of 2007, Craig Severns came to the State House where he was presented with the Governor's Century Business Award in recognition of the 100th anniversary of the original franchise agreement; and

Whereas, throughout its history, the Coca-Cola Bottling Company of Kokomo has played a vital role in the community. The Severns family has been committed to supporting local schools, athletic organizations, community wellness, and charitable causes. In addition to financial support, the employees of the company frequently volunteer their time to assist local organizations: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Coca-Cola Bottling of Kokomo on achieving 100 years in business and commends the Severns family's commitment to the community.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Coca-Cola Bottling of Kokomo, E.P. Severns, and Craig Severns.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 39

The Speaker handed down Senate Concurrent Resolution 39, sponsored by Representative Buck:

A CONCURRENT RESOLUTION congratulating the Rossville FFA Livestock Judging Team on winning the National Western Stock Show.

Whereas, The National Western Stock Show, first held in 1906, takes place every January in Denver, Colorado. The purpose of the event is, "To preserve the western lifestyle by providing a showcase for the agricultural industry through emphasis on education, genetic development, innovative technology, and offering the world's largest agricultural marketing opportunities." FFA and 4-H teams are invited to compete in the show events;

Whereas, The Rossville High School FFA Livestock Judging Team, consisting of Jeremy Harshbarger, Jared Huffer, Scott Evans, Torie Schwartz, and Coach Mark Douglas, was invited to the National Competition in Denver because of its placement in the Indiana State Livestock Contest:

Whereas, At the national competition, each FFA team was required to evaluate four different species of livestock including goats, sheep, pigs, and cattle, and give oral presentations to officials to explain the reasons behind their findings; and

Whereas, A total of 860 FFA and 4-H students competed at the National Western Stock Show. The Rossville FFA Livestock Judging Team excelled in each category and brought home the school's first title in national livestock judging competition: Therefore,

> Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Rossville FFA team on placing first at the National Western Stock Show Competition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Rossville High School Principal Allen Remaly and FFA Coach Mark Douglas.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representatives Bosma and Richardson:

A CONCURRENT RESOLUTION congratulating Anna Shults for being named Indiana's Teacher of the Year for 2007.

Whereas, Anna Shults has been a third grade teacher for ten years;

Whereas, Anna Shults teaches at Fall Creek Elementary in Hamilton Southeastern School Corporation in Hamilton County and is currently a teacher-in-residence at the Indiana Department of Education;

Whereas, Anna Shults received her Bachelor of Arts in Elementary Education from Anderson University and a Masters of Arts in Elementary Education from Indiana Wesleyan University;

Whereas, Anna Shults has been honored as the Hamilton Southeastern Teacher of the Year in 2006, as the Fall Creek Elementary School Teacher of the Year in 2006, and as a 1996 inductee to the Kappa Delta Pi Educational Honor Society; and

Whereas, Superintendent of Public Instruction Dr. Suellen Reed has said that Anna Shults's "classroom and community work demonstrates a strong commitment to making Indiana's public schools stronger and its teachers better" and that Shults is "an advocate for the state of education in Indiana, an inspiration to our students, and an outstanding representative for all Indiana teachers": Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly congratulates Anna Shults for being named Indiana's Teacher of the Year for 2007, thanks her for her service to Indiana's youth, and extends its congratulations to her for representing Indiana at the national competition in Washington, D.C. for teacher of the year.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Anna Shults, Anderson University, Indiana Wesleyan University, and Fall Creek Elementary School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the reassignment of Engrossed Senate Bill 192 from the Committee on Interstate and International Cooperation to the Committee on Public Policy.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Harris be added as cosponsor of Engrossed Senate Bill 3.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Leonard be added as cosponsor of Engrossed Senate Bill 13.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehe be added as cosponsor of Engrossed Senate Bill 14.

BATTLES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bell be added as cosponsor of Engrossed Senate Bill 33.

NIEZGODSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tyler be added as cosponsor of Engrossed Senate Bill 78.

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hinkle be added as cosponsor of Engrossed Senate Bill 84.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Knollman be added as cosponsor of Engrossed Senate Bill 123.

BATTLES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pond be added as cosponsor of Engrossed Senate Bill 139.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as cosponsor of Engrossed Senate Bill 143.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives C. Brown and Stemler be removed as sponsor and cosponsor, that Representative Stemler be substituted as sponsor, and Representative C. Brown be added as cosponsor of Engrossed Senate Bill 157.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as

cosponsor of Engrossed Senate Bill 176.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buell and Saunders be added as cosponsors of Engrossed Senate Bill 210.

NIEZGODSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crooks removed as sponsor, Representative Welch be substituted as sponsor, and Representative Crooks be added as cosponsor of Engrossed Senate Bill 226.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be added as cosponsor of Engrossed Senate Bill 249.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Knollman be added as cosponsor of Engrossed Senate Bill 257.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tyler be added as cosponsor of Engrossed Senate Bill 269.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Harris be added as cosponsor of Engrossed Senate Bill 283.

BLANTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Knollman be added as cosponsor of Engrossed Senate Bill 314.

PFLUM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Leonard be added as cosponsor of Engrossed Senate Bill 330.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davis be added as cosponsor of Engrossed Senate Bill 338.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as cosponsor of Engrossed Senate Joint Resolution 5.

PELATH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Thomas, the House adjourned at 2:55 p.m., this eleventh day of February, 2008, until Tuesday, February 12, 2008, at 1:30 p.m.

B. PATRICK BAUER Speaker of the House of Representatives

CLINTON McKAY Principal Clerk of the House of Representatives